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EXHIBIT (E)

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE

APPEAL FORM
CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1.

1.

2.

2.

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
SINGLETON	607113	WA	2W/102L

A. Describe Problem:

ATTN: CCI STEWART, et al.
TO & INCLUDING WARDEN P. AYERS
WHOM IS THE GERMANE RESPONDER
VIA CIVIL DOCKET FOR CASE # 3
3:07-CV-05969-VRW SEE EXHIBIT
A.) IN REGARDS UNTO THE ORDER
TO SHOW CAUSE SEE EXHIBIT B.)
SEE ATTACHMENT

If you need more space, attach one additional sheet.

B. Action Requested:

THAT IN EQUITY I NOT
BECOME SUBJECTED UNTO
GETTING ENDORSED NOT
SEE ATTACHMENT

Inmate/Parolee Signature: *[Signature]*

Date Submitted: APR 15, 08

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed
Board of Control form BC-1E, Inmate Claim

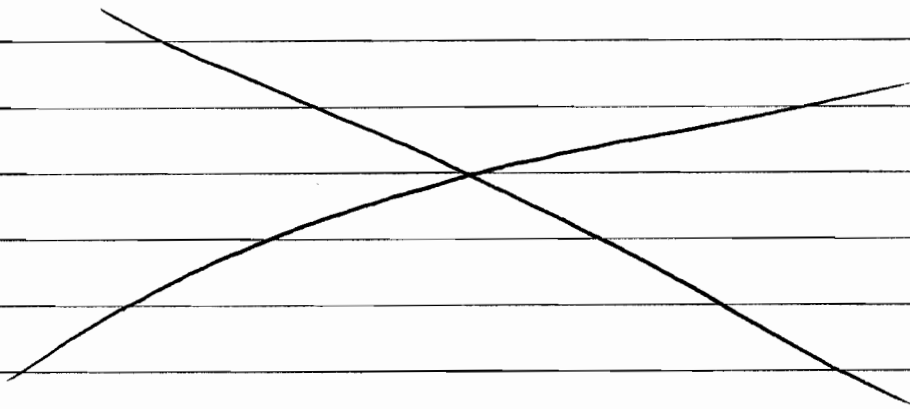
CDC Appeal Number: _____



THE

A. CONT.: WHEREAS, YOU
SHALL FIND THAT ATTORNEY
GENERAL OF THIS STATE,
SAID RESPONDENT ARE
IN FACT AS OF THIS
DEJURES WRITING THREE
DAYS IN DEFAULT
CONTEMPT OF SAID
COURT ORDER TO SHOW
CAUSE.

B. CONT.: REMOVED FROM
SAN QUENTIN STATE
PRISON. OTHER THAN
TO SAN QUENTIN S.P.
MAY (EUC) PENDING
THE GERMANE COURT
AWARDING MY WRIT A ""



EXH 238A

E-Filing, HABEAS, ProSe

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:07-cv-05969-VRW
Internal Use Only**

Singleton v. Santa Rita County Jail
Assigned to: Hon. Vaughn R. Walker
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 11/27/2007
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner**Duane A. Singleton**

represented by **Duane A. Singleton**
G7113
San Quentin State Prison
San Quentin, CA 94964
PRO SE

V.

Respondent**Santa Rita County Jail****Respondent****Warden R. Ayers**

Date Filed	#	Docket Text
11/27/2007	<u>1</u>	PETITION for Writ of Habeas Corpus. Filed by Duane A. Singleton. (IFPP) (gsa, COURT STAFF) (Filed on 11/27/2007) (Entered: 11/29/2007)
11/27/2007	<u>2</u>	MOTION for Leave to Proceed in forma pauperis filed by Duane A. Singleton. (gsa, COURT STAFF) (Filed on 11/27/2007) (Entered: 11/29/2007)
11/27/2007	<u>3</u>	CASE DESIGNATED for Electronic Filing. (gsa, COURT STAFF) (Filed on 11/27/2007) (Entered: 11/29/2007)
12/05/2007	<u>3</u>	ORDER by Chief Judge Vaughn R Walker denying <u>2</u> Motion for Leave to Proceed in forma pauperis. If petitioner does not pay the requisite filing fee of \$5.00 within 30 days from the date of this order, or show cause why he cannot, this action will be dismissed without prejudice. (cgk, COURT STAFF) (Filed on 12/5/2007) (Entered: 12/05/2007)
12/05/2007	<u>4</u>	CERTIFICATE OF SERVICE re <u>3</u> Order on Motion for Leave to

		Proceed in forma pauperis. (cgk, COURT STAFF) (Filed on 12/5/2007) (Entered: 12/05/2007)
12/19/2007	<u>5</u>	Receipt from Duane Singleton in the amount of \$5.00 filing fee.. (gsa, COURT STAFF) (Filed on 12/19/2007) (Entered: 12/20/2007)
12/20/2007	<u>5</u>	CERTIFICATE OF SERVICE by Duane A. Singleton re <u>1</u> Petition for Writ of Habeas Corpus (gsa, COURT STAFF) (Filed on 12/20/2007) (Entered: 12/26/2007)
01/07/2008	<u>6</u>	NOTICE of Cause by Duane A. Singleton (gsa, COURT STAFF) (Filed on 1/7/2008) (Entered: 01/08/2008)
02/13/2008	<u>7</u>	ORDER TO SHOW CAUSE. Show Cause Response due by 4/14/2008.. Signed by Chief Judge Vaughn R Walker on 2/13/2008. (Attachments: # <u>1</u> Affidavit)(cgk, COURT STAFF) (Filed on 2/13/2008) (Entered: 02/13/2008)
02/20/2008	1 <u>8</u>	MOTION to change #6 filing date to reflect 12/24/2007 as the germaine filing date via the relevant "mailbox rule." filed by Duane A. Singleton. (gsa, COURT STAFF) (Filed on 2/20/2008) (Entered: 02/21/2008)
02/26/2008	<u>9</u>	NOTICE of Change of Address and New Respondent by Duane A. Singleton (gsa, COURT STAFF) (Filed on 2/26/2008) (Entered: 02/27/2008)
02/26/2008	<u>9</u>	(Court only) ***Party R. Ayers added. (gsa, COURT STAFF) (Filed on 2/26/2008) (Entered: 02/27/2008)
02/26/2008	<u>10</u>	Letter from Duane Singleton to Clerk of Court dated 2/20/2008 requesting name and address of respondent's counsel. (gsa, COURT STAFF) (Filed on 2/26/2008) (Entered: 02/27/2008)

EXHIBIT B.

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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 DUANE A. SINGLETON,

13 Petitioner,

14 vs.

15 SANTA RITA COUNTY JAIL,

16 Respondent.
17

)
) No C 07-5969 VRW (PR)

) ORDER TO SHOW CAUSE

) (Doc # 2)
)

18
19 Petitioner, a state prisoner currently incarcerated at the Alameda County
20 Jail, Santa Rita Facility, has filed a pro se petition for a writ of habeas corpus
21 under 28 USC § 2254.

22 **BACKGROUND**

23 On June 2, 2006, petitioner pleaded no contest to possession of a
24 controlled substance in Alameda County superior court and was sentenced to
25 three years formal probation pursuant to Proposition 36.

26 Petitioner did not appeal, but in 2007 he began collaterally attacking his
27 conviction in the state courts. The Supreme Court of California allegedly denied
28 his last petition for state relief on September 27, 2007.

DISCUSSION

A. Standard of Review

This court may entertain a petition for a writ of habeas corpus "in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States." 28 USC § 2254(a).

It shall "award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." Id § 2243.

B. Legal Claims

Petitioner seeks federal habeas corpus relief by raising claims of ineffective assistance of counsel and judicial misconduct. Liberally construed, the claims appear cognizable under § 2254 and merit an answer from respondent. See Zichko v Idaho, 247 F3d 1015, 1020 (9th Cir 2001) (federal courts must construe pro se petitions for writs of habeas corpus liberally).

CONCLUSION

For the foregoing reasons and for good cause shown,

1. The clerk shall serve by certified mail a copy of this order and the petition, and all attachments thereto, on respondent and respondent's attorney, the Attorney General of the State of California. The clerk also shall serve a copy of this order on petitioner.

2. Respondent shall file with the court and serve on petitioner, within 60 days of the issuance of this order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be granted. Respondent shall file with the answer and serve on petitioner a copy of all portions of the state trial record that have been

1 transcribed previously and that are relevant to a determination of the issues
2 presented by the petition.

3 If petitioner wishes to respond to the answer, he shall do so by filing a
4 traverse with the court and serving it on respondent within 30 days of his receipt
5 of the answer.

6 3. Respondent may file a motion to dismiss on procedural grounds in
7 lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the
8 Rules Governing Section 2254 Cases. If respondent files such a motion,
9 petitioner shall file with the court and serve on respondent an opposition or
10 statement of non-opposition within 30 days of receipt of the motion, and
11 respondent shall file with the court and serve on petitioner a reply within 15 days
12 of receipt of any opposition.

13 4. Petitioner is reminded that all communications with the court must
14 be served on respondent by mailing a true copy of the document to respondent's
15 counsel. Petitioner must also keep the court and all parties informed of any
16 change of address.

17 SO ORDERED.

18 

19 VAUGHN R WALKER
20 United States District Chief Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SINGLETON,

Petitioner,

v.

SANTA RITA COUNTY JAIL et al,

Respondent.

Case Number: C07-5969 VRW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 13, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Duane A. Singleton ALX572
Santa Rita County Jail
5325 Broder Blvd
Dublin, CA 94568

Dated: February 13, 2008

Richard W. Wieking, Clerk
By: Cora Klein, Deputy Clerk

Cora Klein

Ros ipsa loquitur
= "THE THING SPEAKS
FOR ITSELF."

DECLARATION OF SERVICE BY MAIL

I, DUANE A. SINGLETON, the undersigned, declare:
Printed Name of Declarant

I am over the age of 18 years, a citizen of the United States of America, and am not a party to the cause within. My residence address is:

CDC No G07113 Housing 21W/1021
San Quentin State Prison
San Quentin, CA 94974

On APR. 28, 08, I served the following document(s):
Month/Day Year

AMENDED OPPOSITION & DEFAULT
REQUEST WITH GERMANE EXHIBITS.

on the parties and at the addresses described below by placing the pleadings in a sealed envelope, with postage fully prepaid, and presented said item(s) to Corrections Department staff for mailing in the United States Mail as per the rules and regulations governing outgoing legal mail at San Quentin State Prison.

U.S. DIST. CT. NORTHERN DIST. 450
GOLDEN GATE AVE S.F., CA. 94102;
OFF. OF ESQ. GENERAL 455 GOLDEN
GATE AVE Suite 1100

I swear under penalty of perjury that the foregoing is true of my own personal knowledge. Executed on this 28 day of APR., 2008, at San Quentin, CA, County of Marin.

Mr. Duane A. Singleton
Signature of declarant